

Minutes of the Judiciary and Law Enforcement Committee
June 17, 2011

Chair Jean Tortomasi called the meeting to order at 8:30 a.m.

Committee Members Present: County Board Supervisors Jean Tortomasi (Chair), Steve Wimmer, Bill Zaborowski, Peter Wolff, Kathleen Cummings, and Dave Falstad. **Absent:** Supervisor Paul Decker

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Detective Terry Tesch, Deputy Inspector Eric Severson, Jail Administrator Mike Giese, Business Manager Lyndsay Johnson, Clerk of Courts Kathleen Madden, and Business Manager Bob Snow.

Approve Minutes of May 20, 2011

MOTION: Wimmer moved, second by Zaborowski to approve the minutes of May 20, 2011.
Motion carried 4-0.

Correspondence

- Grant Application: Health and Human Services – Criminal Justice Collaborating Council - BJA: Adult Drug Court Discretionary Grant Program FY 2011.
- Statement from County Executive Vrakas regarding Judge Sumi's decision on 2011 Wisconsin Act 10

Cummings arrived at 8:32 a.m.

Future Agenda Items

- Update on the CJCC Strategic planning session by CJCC Coordinator Rebecca Luczaj (Tortomasi)

Future Meeting Date

- July 15, 2011

Reports from Committee Member Liaisons

- Tortomasi and Cummings participated in a mock mass medication dispensation clinic put on by the Waukesha County Division of Public Health. The exercise simulated what the County would do in the event of a public health disaster such as an anthrax outbreak.

Ordinance 166-O-026: Accept Homeland Security - Urban Area Security Initiative FFY2010 Program Funding And Modify The Emergency Preparedness 2011 Budget To Appropriate Grant Revenues And Expenditures For Purchase Of An Emergency Power Generator For The 2-1-1 First Call For Help Facility

Spaeth presented the ordinance on behalf of Emergency Management Coordinator Bill Stolte. She distributed and reviewed a handout prepared by Stolte.

Waukesha County coordinates regularly with 2-1-1 First Call for Help (FCFH) to distribute emergency public information and protective action decisions to the general public during natural or man-made disasters/emergencies, such as the 2008 flooding and 2009 H1N1 mass inoculation clinic operations.

This ordinance authorizes the acceptance of \$30,000 in UASI funding for the purchase of an emergency power generator for the 2-1-1 FCFH facility. Because 2-1-1 FCFH is not a governmental agency it

cannot apply directly for this funding. Waukesha County submitted the application and will distribute the funds as a pass-through to the 2-1-1 FCFH. Once purchased, the County does not assume any further liability or involvement with the generator upon turning it over to 2-1-1 FCFH other than submission of the documentation to close out the grant. 2-1-1 FCFH will be totally responsible for all testing, operation and maintenance of the generator.

The committee briefly discussed logistics pertaining to the 2-1-1 FCFH facility and the specifications of the emergency power generator.

MOTION: Cummings moved, second by Wimmer, to approve Ordinance 166-O-026.
Motion carried 5-0.

Falstad arrived at 8:44 a.m.

Ordinance 166-O-027: Expenditure Of Seized Funds – Amend The 2011 Sheriff’s Department Budget For Multiple Purchases

Johnson, Severson and Giese were present to discuss this ordinance. Severson stated that the items slated for purchase are outlined in the fiscal note. He proceeded to answer questions raised by committee members in regard to specific items on the list.

In response to Tortomasi’s inquiry, Severson stated that the purchase of 30 pro masks will finalize the PPE (personal protective equipment) program. Following the purchase there would be sufficient masks to outfit every deputy as well as some spares in varying sizes to accommodate new hires. Severson addressed Cumming’s question regarding the shelf-life of the masks and how replacements would be funded. He stated the masks should last 10-15 years; however, the filters do need replacement periodically. Asset forfeiture dollars can be used to replace the equipment in the future.

Tortomasi asked if the purchase of cameras for the jail are replacements. Severson said no, they are additional. Giese said the cameras are necessary for additional security, which he explained in detail.

MOTION: Cummings moved, second by Falstad, to approve Ordinance 166-O-027. Motion carried 6-0.

Update on Sheriff’s Department Expenses Incurred during the 2011 Protests in Madison

Severson stated that as a result of a mutual aid request to assist the Capitol Police, Waukesha County has submitted total of \$123,672.91 in expenditures to the Department of Administration in Madison for reimbursement. A memorandum of understanding (MOU) was in place to cover all related expenses incurred by the County. Sheriff’s staff was informed by the State that payment could be expected as early as August (2011). At Cummings request, Johnson explained cash flow/budgeting processes for this type of expenditure/reimbursement.

Sheriff’s Department - 2011 Budget Update

Severson stated in 2010 the Sheriff’s Department anticipated that 2011 would be a financially difficult year, which has proven to be true. One of the biggest, ongoing challenges this year is higher than budgeted fuel costs; fuel was budgeted at \$3 a gallon for 2011. Another major challenge faced in all divisions of the Sheriff’s Department (including the Jail) is the issue of training, which includes expenditures of overtime balanced against vacancies and turnover. As of today, there are four deputies in training, two under workman’s compensation/disability, one deployed on military leave, five on medical leave, and six open positions. Currently there are 18 deputy sheriff position vacancies that need to be filled, and often times the needs are filled with overtime. Five weeks ago, there were ten deputies in road training, which created ten functional vacancies because those individuals cannot perform the duties of a

fully trained, fully staffed position. Severson assured that he and Johnson diligently monitor these issues on a daily/weekly basis and they are constantly looking at strategies. For now there will be some positions left open, partly in anticipation of next year's budget. Giese faces the same issues with his jail staff.

Tortomasi asked Giese how many correctional officer (CO) positions are currently open. Giese stated the Sheriff has asked him to keep four positions open. Currently there are three COs in training, one on workman's compensation, about ten on intermittent family leave, and one on long-term military leave.

Tortomasi inquired about the justification of using overtime versus hiring. Severson explained a vacant position is not necessarily filled 100% by overtime. There are days that staffing on a given shift is higher than the minimum requirements due to the shift relief factor. The more vacancies there are, the more likely that those positions are going to be required to be filled on a regular, ongoing, daily basis. However, 18 vacancies does not mean they are filled in total everyday by overtime. It depends where those vacancies are, what the minimum requirements are, whether it is a weekend, etc. In some cases it costs less to fill the positions with overtime than to staff them. Severson further discussed some of the strategies utilized to fulfill staffing requirements while being mindful of budgetary constraints. On a positive note, much of the training is at the end of its cycle and it is expected that overtime levels will be dropping; however many factors are unpredictable, i.e. off-duty injuries, family medical leave, military leave, etc. Severson reminded the Committee that the Sheriff's budget directs that a certain number of positions be left open (3-5) in order to make their target. It is the other challenges causing the functional vacancies that lead into some overtime issues. Tortomasi commended the Sheriff's Department for their ongoing efforts in maintaining standards of operation while staying within budget limitations.

Severson discussed recent position vacancies due to two trainee resignations during the last two pay periods – this is something the Department has no control over. Cummings asked whether there are any issues with staff leaving because of job stress/burn-out. Severson said extensive exit interviews are done and no one has indicated that as a reason for leaving.

Cummings inquired how fuel is budgeted within the contracts with other municipalities. Johnson explained that an estimated price for fuel is written into the contract. When the price is lower than the contract, the County collects the full amount as specified in the contract; however, when gas prices are higher, the County can still only collect the amount specified in the contract. Unfortunately, fuel price is not an easy thing to predict.

Severson added that in the Jail division, inmate medical costs have been a very big challenge within the budget. The jail population overall is a fragile population. Giese stated this year has been exceptionally difficult, in part due to the economy, the high cost of health care, and the significant number of people coming into the jail with extremely serious medical conditions. Frequently there are individuals who require ongoing offsite medical treatment and/or hospitalization. A CO must accompany the inmate during those offsite appointments. In response to Wimmer's inquiry, Giese stated the County pays the Medicaid rate for inmate medical expenses.

Tortomasi thanked Sheriff's staff for their presentations.

Legislative Update

Spaeth stated the State Assembly and Senate finished their work on the budget and it will now move on to the governor for his signature. She provided an update on the County's top five budget priorities that were discussed with legislators at the May 2nd Executive Committee meeting.

- Income Maintenance – The governor’s budget proposed a \$1.27 million levy decrease; however, the current budget restored the funding, but also requires all counties except Milwaukee to form into 10 multi-county consortia no later than October 1, 2011. The consortia would be responsible for operating a call center, application processing and eligibility determination, ongoing case management and lobby services. Further details of operation and guidelines are unknown at this time.
- General Transportation Aid – The governor proposed a \$725,000 cut. Joint Finance redid the formula, reducing the cut to \$300,000 and added in changes, which would have been advantageous for the County; however, the Assembly took away those changes and went back to the original \$725,000 cut.

Spaeth also discussed a “wrap-up motion” which included an increase in the small claims threshold from \$5,000 to \$10,000 but did not increase the filing fee. There is pending bill that would increase the filing fee, from \$22 to \$44 for small claims cases, which would increase the County’s portion from \$10.20 to \$31.20. There was a public hearing on this bill last week and the County sent information to legislators in support of the bill.

Madden clarified the change in the small claims filing threshold would shift workload from the Circuit Court judges (State) to the court commissioners (County). Wimmer proposed increasing the small claims filing fee to one-half that of the large-claim fee and use the extra funding to help cover the County’s additional costs.

Cummings suggested the Judiciary and Law Enforcement Committee comprise a letter of support for the bill. Spaeth advised that County Executive Vrakas and County Board Chairman Dwyer have already sent a letter on this issue. Strategies were further discussed, including office visits, personal contact, etc. The legislators will have their last session at the end of June, and will adjourn until mid-September. Wimmer suggested tracking the data on the increase in small claims once the law takes effect on July 1. Madden stated it will be a big change in office processes and assured they would be tracking the data.

The Legislative Update was deferred until after the discussion of the remaining scheduled agenda items.

Circuit Court Services - 2011 Budget Update

Snow outlined the progress of the following capital project: *Update and Integrate Courtroom Technology*. The new vendor selected, *Exhibit One*, works exclusively in courtroom technology. Staff is very pleased with the vendor and the progress made to date. New equipment is now being delivered and installation will begin in July. Two “proof of concept” courtrooms – one criminal courtroom and one family courtroom – will be done first, and are planned to be completed by the end of July. Once the “proof of concept” venues have been thoroughly evaluated, installation of equipment in the remainder of the courtrooms is anticipated to begin in late October or early November (2011).

Madden provided an update on the following 2011 budget objectives:

- (1) Jury Program – under budget by approximately \$13,000 due to efficiencies gained with the transition from a 2-week term of service to a one day or one trial system and implementation of a flat daily travel fee in place of mileage reimbursement
- (2-3) Scanning initiatives in Civil and Criminal Traffic – temporary help has been eliminated. The scanning process is ongoing, resulting in a cost avoidance in that no records are sent to Northview for storage.
- (4) Probate – progressing well in closing out trust and guardianship cases with accounts valued at less than \$50,000, resulting in fewer manual audits. A total of 586 audits will be conducted in 2011, down 10% from 2010 and 28% less since 2008.

- (5) Mediation – Year to date 279 mediation cases have been opened, 45% of which have been resolved through successful comprehensive agreements.

Madden reviewed a handout titled *2011 Circuit Court Services Budget and Budget History Comparison*.

- Revenues are lagging in all areas – General Government, Fines/Forfeitures, and Charges of Services. Due to the state of the economy, collections are slower. There is a slow down in case filings in the Civil area. Other Revenues are lagging 2010, but are close to the 2011 target. Interest on invested funds is down. Anticipating possible revenue shortfalls, several positions have been held open in an effort to mitigate revenue variances. It is anticipated that holding open positions and using 2011 WRS (Wisconsin Retirement System) employee contribution savings will help mitigate some of the revenue shortfalls.
- Expenditures in all units – Personnel, Operating Expenses, Interdepartmental Charges are all lower in 2011 than in 2010. A change in the civilian bailiff program has been implemented, expanding the program from the Civil Division to a pilot in the Criminal/Traffic Division (Judge Kieffer's and Judge Haughney's courtrooms). Civilian jury bailiffs rather than sworn deputies are used to manage the jury during trials, resulting in a significant cost savings. Provided the pilots do well, the program would be expanded this year. Consequently, some court security funds would potentially be shifted into temporary personnel costs.

Tortomasi asked if the civilian bailiff program has met any resistance from the judiciary. Madden said yes, but that is why the pilot program was implemented with two senior judges; it would be the ultimate proving ground. The judges prefer sworn deputies; however, they were willing to try out the program. Madden is optimistic about expanding the program and stated the Sheriff's Department is very supportive of it. Madden assured that in hiring civilian bailiffs, previous law enforcement background is absolutely required.

- Total Interdepartmental Charges are currently comparable to the 2010 level. Court security, defendant transportation postage and collection charges are monitored very closely. Due to a couple of upcoming lengthy/high profile criminal trials, higher court security, jury sequestration and other associated costs are anticipated. These types of costs are difficult to budget in advance.

Snow discussed how the many fiscal challenges facing the Courts due to the state of the local economy and unprecedented reductions in State funding would have an impact on the 2011 budget and subsequently the 2012 budget.

Presentation of the 2010 Annual Jury Report

MOTION: Wolff moved, second by Cummings to accept the 2010 Annual Jury Report.

Madden reiterated that she is very pleased with the transition to the one day or one trial system. It is considered a best-practice in jury management. She noted initiative trends include providing as many electronic tools to citizens as possible, including electronic juror qualification and exit questionnaires.

Zaborowski asked about the origins of the one day or one trial system. Madden clarified she did not invent the idea. A great deal of data on jury management is obtained through the National Center of State Court and National Association of Court Management. Best practices in jury management are researched by staff to determine if they could be implemented in the County. The State statutes reference a one day or one trial system and it ties into the mileage reimbursement versus travel fee. Madden noted that she learned of the Jury Donation Program at a conference she attended.

Hearing no objections, the motion carried unanimously.

Legislative Update (continued)

- Family Care – A cap has been placed on enrollment. Emergency cases, determined by the court, must be funded by the County. A statewide amount of \$12.6 million has been added for emergency cases as determined by DHS (Department of Health Services).
- Recycling Program – The full funding has been restored (\$1.3 million for the County).
- Youth Aids – The formula was adjusted. The funding cut will now be around \$425,000 instead of \$389,000. Ethan Allen School will be closed; the County rate for juveniles at Lincoln Hills increased about \$7 per day.

Spaeth stated a last minute “wrap-up” motion was made around midnight which included various items that were not anticipated. In relation to Act 10, protective, non-represented employees have now been exempted and will not be required to make pension contributions. Waukesha County will now see less than anticipated savings.

Zaborowski asked whether it is possible to opt out of WRS for individuals who do not want it; Spaeth replied she is not aware of any such option.

Spaeth announced that Ellen Nowak, the County Executive’s Chief of Staff, has given notice of her resignation. She has been appointed to the Public Service Commission by Governor Walker.

MOTION: Wimmer moved, second by Cummings to adjourn at 10:30 a.m. Motion carried 6-0.

Respectfully submitted,

Kathleen M. Cummings
Secretary